THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :14700 of 2006

DATED:30-04-2007

BETWEEN:

Katasani Ramireddy.

..... PETITIONER

AND

Government of Andhra Pradesh,
Rep.,by its Secretary,
Department of Home,
Secretariat Buildings,
Hyderabad & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in withdrawing the security provided to the petitioner, as illegal, arbitrary, and consequently direct the respondents to provide security of gunman to the petitioner.

3. It is the case of the petitioner that he is the native of Banaganipalli village and his brother K.Rambhupal Reddy is the present M.L.A. of Panyam Assembly Constituency and there is political rivalry between the family of the petitioner and the family of one Bijjam Pardhasarathi Reddy and the father of the petitioner, brother, and six other cousins were killed by the opponents and there is a threat to the life of the petitioner and as the respondents failed to provide escort to him, he filed W.P.No.34890 of 1997 and the same was disposed of on 02-04-1998 directing the respondents therein to decide the application of the petitioner in the light of the guidelines formulated in the said judgment and the petitioner was provided escort of armed guard upto 21-04-2000 and thereafter the escort was withdrawn. Therefore, petitioner is constrained to file W.P.No.4991 of 2004 which was disposed of on

17-03-2004 directing the 2nd respondent-Superintendent of Police, Kurnool District to consider the request of the petitioner to provide escort of armed guard, as he is apprehending danger to his life from the rival group and pass appropriate orders after taking into account the relevant factors including the guidelines that were issued by this Court in W.P.No.34890 of 1997, in accordance with law, within a period of ten days from the date of receipt of a copy of the order. Pursuant to the said direction respondents have provided security in the month of February, 2004 and the same was continued till July, 2004. Thereafter, petitioner was provided free escort without any payment and the same continued till 10.06.2006. It is stated that the petitioner was the supporter of Congress party but recently he joined in Telugudesam party on 09-04-2006 and was appointed as party-in-charge of the Panyam Assembly Constituency, and therefore, respondents discontinued the security provided to him from 2004 onwards without assigning any reasons whatsoever. It is stated that petitioner apprehends danger to his life, and as he joined in Telugudesam party threat to his life by political opponents increased and therefore he made a representation to the Hon'ble Home Minister and marked a copy to the respondents herein, but *in spite* of the said representation made by him on 10-06-2006 his case has not been considered and escort has not been provided. Hence, the present Writ Petition.

4. Counter has been filed stating that petitioner was involved in number of criminal cases and therefore providing armed police security is not just and proper. It is not in dispute that pursuant to the earlier orders in W.P.No.34890 of 1997 and in W.P.No.4991 of

2004 petitioner was provided security till 10-06-2006, and after assessing the threat perception to the petitioner the Security Review Committee, Hyderabad in its proceedings vide I.D.No.6565/IS-2/2006, dated 18-05-2006, decided to withdraw the security provided to the petitioner, and the 2nd respondent herein has withdrawn the security provided to the petitioner on 10-06-2006. It is not in dispute that the petitioner put in a representation before the Hon'ble Home Minister marking a copy to the 2nd respondent-Superintendent of Police, Kurnool District to restore security provided to him since faction violence in Panyam Assembly Constituency has come down considerably and no cases of claim pertaining to the factions were reported since last two years and in fact, the petitioner also effected compromise with his rival groups. Though it is the case of the petitioner that there is imminent threat and danger to the life but the respondents stated that there is no danger or threat to the petitioner for providing security.

5. Learned counsel appearing for the petitioner submits that the petitioner settled certain disputes but as the security was withdrawn there is danger to the life of the petitioner by the rival group, and therefore there is no justification on the part of the respondents in withdrawing the security on 10-06-2006. He further states that the security was withdrawn only because the petitioner joined in Telugudesam party on 09-04-2006.

6. I am not inclined to express any opinion with regard to the allegation that since the petitioner joined in Telugudesam party the

security was withdrawn with effect from

10-06-2006, but however, petitioner being active political leader and in view of the incidents that have been taken place causing murder of his family members, it may be just and proper to provide security to the petitioner at his cost.

7. Accordingly, Writ Petition is disposed of directing the 2nd respondent to provide security to the petitioner at his cost. No order as to costs.

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V.ESWARAIAH,J

30th April, 2007.

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